

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
June 8, 2021
7:10 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Rich Lintz, Ira Berkowitz, Bridget McAndrew, and Becky Patel.

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

Absent: Susan Buse

Motion made by Alderman Berkowitz to approve the May 25, 2021 minutes. Alderman McAndrew seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

PUBLIC HEARING AND AN ORDINANCE - A SUBDIVISION PLAT (LOT CONSOLIDATION) FOR PROPERTY LOCATED AT 8027 FORSYTH BOULEVARD

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing and subsequent ordinance to consider approving a subdivision plat for the consolidation of lots 1, 2, 3, 4, 5, 8, 9, 10 and portions of Lots 6 & 7 of Block 4 of the City of Clayton to create two (2) lots. All lots have a zoning designation of PUD, Planned Unit Development District.

The subject property is located on the north side of Forsyth Boulevard between North Brentwood Boulevard and North Meramec Avenue. The property is currently under development with a mixed-use commercial and office project, comprised of two towers with a parking garage between them.

The proposed plat will consolidate the existing lots into two lots to allow for the development of the mixed-use project. The consolidated lots will measure 57,967 square feet and 31,305 square feet. Development and design of the mixed-use towers have been previously approved. There is an existing

20-foot-wide alley on the property which the City will initiate vacation of through an ordinance to be considered at tonight's meeting.

Mayor Harris closed the public hearing.

Alderman Lintz introduced Bill No. 6841, to approve a subdivision plat (lot consolidation) for 8027 Forsyth Boulevard to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6841, first reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located on Forsyth Boulevard and Meramec Avenue in the City of Clayton, Missouri by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6841 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6841, to approve a subdivision plat (lot consolidation) for 8027 Forsyth Boulevard to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6841, second reading, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located on Forsyth Boulevard and Meramec Avenue in the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6701 of the City of Clayton.

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A SECOND UNIT LOCATED AT 12 HILLVALE DRIVE

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that this is a public hearing and subsequent resolution to consider granting a conditional use permit to Lizette Alvarez and Theodore Povinelli, owners of 12 Hillvale Drive, to allow for the construction of a 712 square foot detached second living unit. The property has a zoning designation of R-2 Single-Family Dwelling District. This application was considered by the Board of Aldermen on December 8, 2020 and was tabled until the time the Plan Commission could review and approve the Architectural Plans for the proposed carriage house. The Plan Commission/Architectural Review Board approved the Architectural Plans and Site Plan for this project last night, June 7, 2021.

A second unit (carriage house/granny unit) is a type of accessory structure, either attached or detached, which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, etc.

Second units are permitted subject to the approval of a conditional use permit in the R-2 Zoning District subject to certain restrictions as outlined in the Code.

The Plan Commission considered the request for a conditional use permit at its November 16, 2020, meeting and voted 7 – 0 to recommend approval subject to the stipulations contained in Article II, Section 405.330, and two additional conditions:

1. The applicant records a deed restriction pursuant to item 3 and submit proof of the required deed restriction to City prior to the issuance of a Building Permit.
2. The applicant shall submit a detailed landscape plan at the time of a Site Plan/Architectural Review submittal that shows adequate screening and buffering of the new garage/second unit from neighboring properties.

Recommendation is to conduct a public hearing and consider approving the resolution granting a conditional use permit for a 712 square foot detached second living unit to Lizette Alvarez and Theodore Povinelli.

Susan Istenes, Director of Planning and Development was in attendance to answer questions.

The meeting paused at 7:46 *p.m.* due to Mayor Harris losing virtual connection to the meeting.

The meeting reconvened at 7:50 *p.m.* – Mayor Harris rejoined (virtually) the meeting.

Mike Killeen, applicant, and Taylor Huston, Project Manager, attended the meeting virtually to answer questions.

In response to Alderman Berkowitz' question, Taylor Huston, explained that the breezeway on the Harcourt side and acts as a privacy buffer to hide the pool view and they've also added landscaping in front of the breezeway. She confirmed that they sought a setback variance and was hoping to keep it in-line with the edge of the existing home, but the variance was not granted therefore, they reassessed the asymmetry and work with the existing setbacks.

Alderman Lintz commented that he was very impressed that the applicant had worked with his neighbors and engineer and came up with a plan that if the original plan doesn't work, they had a Plan B which they would put in another drain. The Plan Commission approved it with the understanding that the City can require Plan B to take affect if it was determined that the first plan does not work.

In response to Mayor Harris' question regarding the issues (water runoff, location of bmps, drainage, construction maintenance activities, etc.) as outlined in a memorandum from Intuition & Logic that was included in the Plan Commission meeting packet, Taylor Huston stated that the issues outlined, probably in the staff report, have been forwarded on to the civil engineer to be addressed which they will resolve those issues to come into compliance prior to seeking permits.

City Manager Gipson explained that this was all discussed at the Plan Commission meeting the previous night and does not believe there will be no issue in meeting the criteria.

Lisa Barnes, citizen, expressed concern over the required deed restrictions.

City Attorney O'Keefe explained that we record the conveyance restrictions which are directly related to the title of the property. The relationship of the occupants is a regulatory matter; the fact is that it cannot be "peeled" off as a separate real estate and cannot be used as the primary structure, but used only by a relative or an employee.

Alise Ellebrecht, neighbor, addressed the Board stating that she contested the project two years ago commenting that the breezeway reminds her of a cheap motel and that the house is “monstrous” and not the goal for the Clavarach Park neighborhood.

Mayor Harris closed the public hearing.

Motion made by Alderman Lintz to approve Resolution No. 2021-09, granting a Conditional Use Permit for 12 Hillvale Drive.

Alderman Berkowitz asked how many other conditional use permits are located within Clavarach Park. Susan Istenes stated that she is not aware of any and would research his question.

Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING VACATING A PORTION OF A PUBLIC ALLEY

City Manager Gipson reported that within the block bounded by Brentwood Boulevard (on the west), Meramec Avenue (on the east), Forsyth Boulevard (on the south) and Maryland Avenue (on the north), there are two public alleys. One alley runs east to west from Meramec Avenue to Brentwood Boulevard. The second alley runs north to south from Maryland Avenue to Forsyth Boulevard.

As a result of tonight’s previous Board’s approval of the consolidation plat for the Forsyth Pointe development a portion of the north-south alley will no longer be necessary.

Therefore, staff is recommending that the southern portion of the north-south alley be vacated.

Alderman Linz introduced Bill No. 6842, to approve an alley vacation (Forsyth Pointe) to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney reads Bill No. 6842, first reading, an Ordinance Vacating a Certain Alley Right-Of-Way Which was Previously Dedicated to the City of Clayton and is not Necessary for Right-Of-Way or for Travel by the Public by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6842 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Linz introduced Bill No. 6842, to approve an alley vacation (Forsyth Pointe) to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney reads Bill No. 6842, second reading, an Ordinance Vacating a Certain Alley Right-Of-Way Which was Previously Dedicated to the City of Clayton and is not Necessary for Right-Of-Way or for Travel by the Public by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having

received majority approval was adopted and became Ordinance No. 6702 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO AND RESTATING THE NON-UNIFORMED EMPLOYEE'S RETIREMENT PLAN AND TRUST

City Manager Gipson reported that in late 2020, the City became aware of an issue in the Non-Uniformed Pension Plan. The Plan did not provide a spousal monthly benefit when an employee dies while still employed unless that employee had reached normal or early retirement eligibility. This situation had not occurred in staff recollection and the inclusion of this spousal benefit is common in most plans and is a benefit provided to employees in the Uniformed Pension Plan. After discussion of the issue, the Board directed staff to prepare an amendment to the plan to incorporate a change for that benefit. Staff worked with the City pension attorney, Danna Delano with the Wagner Group, to draft this change. Staff also determined that the Plan had not undergone a full review for legal and tax changes in many years and asked Ms. Delano to review the full plan for that purpose. The result of that review is a new restatement of the Plan.

Janet Watson, Director of Finance and Administration, was in attendance (virtually) to answer questions.

Alderman Lintz introduced Bill No. 6843, to approve an amendment and the restatement of the Non-Uniformed Employees Retirement Fund Plan and Trust to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6843, first reading, an Ordinance Approving a Restatement of the Non-Uniformed Employees' Pension Plan for the City of Clayton, Missouri by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6843 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6843, to approve an amendment and the restatement of the Non-Uniformed Employees Retirement Fund Plan and Trust to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6843, second reading, an Ordinance Approving a Restatement of the Non-Uniformed Employees' Pension Plan for the City of Clayton, Missouri by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6703 of the City of Clayton.

AN ORDINANCE TO CONSIDER AUTHORIZING THE CITY MANAGER TO RENEW AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE TECHNOLOGY SERVICES TO THE CITY OF RICHMOND HEIGHTS

City Manager Gipson reported that for your consideration is a contract renewal for technology services to be provided by the City of Clayton to the City of Richmond Heights on a contract basis. The original 3-year intergovernmental agreement for technology services expires on July 31, 2021.

In response to Alderman Lintz' question regarding cost increase, Larry Cawvey, Director of Technology Services, noted that there are increases as outlined in the agreement.

Alderman Lintz introduced Bill No. 6844, to approve renewing the Intergovernmental Agreement for Technology Services to the City of Richmond Heights to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6844, first reading, an Ordinance Authorizing an Intergovernmental Agreement with the City of Richmond Heights for the City of Clayton to Provide Technology Services to the City of Richmond Heights by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6844 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6844, to approve renewing the Intergovernmental Agreement for Technology Services to the City of Richmond Heights to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6844, second reading, an Ordinance Authorizing an Intergovernmental Agreement with the City of Richmond Heights for the City of Clayton to Provide Technology Services to the City of Richmond Heights by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6704 of the City of Clayton.

AN ORDINANCE TO CONSIDER AN AMENDMENT TO SECTION 505.125 OF THE CLAYTON CODE RELATING TO MOBILE FOOD VENDING EQUIPMENT (FOOD TRUCKS)

City Manager Gipson reported that on August 28, 2012, the City adopted Section 505.125: Private Mobile Food Vending, to allow the operation of mobile food vending equipment on City rights-of-way, City property and private property, solely to serve a private event not open to the general public. Mobile food vending equipment includes food trucks, ice cream trucks, mobile barbecues and similar motorized or transportable food preparation or vending equipment.

On October 13, 2015, by adoption of ordinance 6392, the City amended Section 505.125 to allow downtown restaurants, grocery stores and other food retailers to operate mobile food vending equipment and sell to the general public only on the property on which their business is located.

Staff recognizes the need to accommodate its residents and businesses who may wish to utilize such vendors in association with events, block parties, neighborhood gatherings, and similar occasions while still protecting safe use of streets, sidewalks and city property as well as compliance with health and safety standards. Staff believes the current legislation presents difficulty for event organizers to

incorporate food trucks in such events given the restrictions of being limited to closed events and not allowing individual cash purchases. Staff proposes changing the current legislation.

In response to Alderman Berkowitz' question, Gary Carter, Director of Economic Development, stated that a food truck is allowed to be located on private property, not on a public street, which would require an event permit.

Alderman Lintz introduced Bill No. 6845, to approve an amendment to Chapter 505 relating to mobile food vending equipment to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6845, first reading, an Ordinance Amending Section 505.125 of the Clayton City Code Relating to Mobile Food Vending Equipment by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6845 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6845, to approve an amendment to Chapter 505 relating to mobile food vending equipment to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6845, second reading, an Ordinance Amending Section 505.125 of the Clayton City Code Relating to Mobile Food Vending Equipment by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6705 of the City of Clayton.

AN ORDINANCE TO CONSIDER ADOPTING REVISIONS TO THE CITY OF CLAYTON COMPLETE STREETS POLICY

City Manager Gipson reported that Complete Streets are streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders. These concepts were the basis of the original Complete Street policy adopted by the City of Clayton in 2012. Development of that policy was based on the 10 elements that the National Complete Streets Coalition (NCSC*) determined should be part of an "ideal" Complete Streets policy.

Moving forward to 2018, the NCSC updated and revised their complete streets policy framework and evaluation criteria to focus on implementation and equity. NCSC states that "the 10 revised policy elements are based on decades of collective expertise in transportation planning and design, created in consultation with NCSC's steering committee members and a group of national stakeholders consisting of engineers, planners, researchers, and advocates."

In late 2020 a three-person sub-committee, comprised of staff and Sustainability Advisory Committee members, was formed to review the current policy and draft a revised policy. This draft was then reviewed and finalized with input from the full Sustainability Advisory Committee. Support was also

provided by Trailnet by providing a policy framework that addressed the revised NSCS policy elements.

Mayor Harris complimented Matt and his staff on the work they did.

Matt Malick, Director of Public Works, explained that the City already had the Complete Streets Policy in place and now they will look at and further define the listed projects.

Alderman McAndrew commented that Matt did a great job working with the Sustainability Committee for their input.

Matt Malick expressed thanks to Linda Goldstein, Chairman of the Sustainability Committee.

Alderman Lintz introduced Bill No. 6846, to adopt revisions to the Complete Streets Policy to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6846, second reading, an Ordinance Adopting Revisions to the City of Clayton Complete Streets Policy by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6846 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6846, to adopt revisions to the Complete Streets Policy to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6846, second reading, an Ordinance Adopting Revisions to the City of Clayton Complete Streets Policy by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6706 of the City of Clayton.

A MOTION TO ELECT MAYOR PRO TEMPORE

City Manager Gipson reported that per the City of Clayton Charter, Article II, Section 2, the Board of Aldermen shall elect from among the aldermen a mayor pro-tempore, who shall act as mayor in the absence of the mayor.

Alderman Richard Lintz has been nominated by Mayor Harris to be appointed as Mayor Pro Tempore.

Motion made by Alderman Berkowitz to approve the appointment of Alderman Rich Lintz as Mayor Pro Tempore. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

A MOTION TO APPROVE THE ALDERMANIC COMMITTEE ASSIGNMENTS

City Manager Gipson reported that in order to be consistent with the *Charter* requirements all appointments/assignments to the Boards and Commissions requires approval by the Board of Aldermen. The following assignments are proposed by Mayor Harris:

Clayton Century Foundation

Alderman Susan Buse
Alderman Rich Lintz

CRSWC

Alderman Bridget McAndrew
Alderman Becky Patel

Plan Commission/ARB

Alderman Ira Berkowitz

Economic Development Advisory Committee

Alderman Bridget McAndrew

Parks & Recreation Commission

Alderman Bridget McAndrew
Alderman Susan Buse

Public Art Advisory Committee

Alderman Ira Berkowitz

Non-Uniformed Employees Retirement Fund Board

Alderman Rich Lintz
Alderman Becky Patel

Uniformed Employees Retirement Fund Board

Alderman Rich Lintz
Alderman Becky Patel

Sustainability Committee

Alderman Becky Patel
Alderman Rich Lintz

Clayton Equity Commission

Alderman Susan Buse

In response to Alderman Lintz' question, City Manager Gipson noted that the appointments take effect on July 1st.

Alderman Patel pointed out the following:

- Clayton *Century* Foundation should be Clayton *Community* Foundation
- Her name should be included under both Pension Boards – *Mayor Harris confirmed*

Motion made by Alderman Lintz to approve the aldermanic appointments. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Lintz:

- Plan Commission/ARB
- Pension Boards

Alderman McAndrew commended Patty DeForrest and staff on getting the pool opening.

Alderman Patel thanked Matt Malick and staff for fixing the broken signage; she attended her first Pension Board meeting today.

Mayor Harris reported on the following:

- Meeting with PAAC to discuss Centene artwork
- Boards and Commissions – the vacancies will be posted to the City's website to encourage recruitment

City Manager Gipson informed the Board that we are still looking at the calendar to find dates to hold the retreat.

There being no further business the meeting adjourned at 8:22 p.m.

Mayor

ATTEST:

City Clerk